

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

Braderick M. Summerville Sr. )  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Full Name of Plaintiff or Plaintiffs) )  
vs  
JBS Green Bay Inc. )  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Full Name of Defendant or Defendants) )

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

2014 MAR 20 P 12:00

JULIA S. FILIPPO  
CLERK

**14-C-0302**

Case No.

(Supplied by Clerk)

**COMPLAINT**

**I. PREVIOUS LAWSUITS**

A. Have you begun other lawsuits in state or federal court relating to the same occurrence involved in this action?

YES       NO

B. Have you begun other lawsuits in state or federal court?

YES       NO

C. If your answer to A or B was YES, provide the requested information below. If there is more than one lawsuit, describe each additional one on a separate sheet of paper, using the same outline.

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

\_\_\_\_\_

Defendant(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Court in which lawsuit brought (if federal court, name district; if state court, name the county)

3. Docket number \_\_\_\_\_
4. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending)?  
\_\_\_\_\_  
\_\_\_\_\_
5. Approximate date of filing lawsuit \_\_\_\_\_
6. Approximate date of disposition \_\_\_\_\_

## II. PARTIES

- A. Your name (PLAINTIFF) Broderick M. Summerville Sr.  
\_\_\_\_\_
- B. Your Address and Phone Number 10741 West Wren Avenue  
Milwaukee, WI 53225, Tel. (920)393-0095  
(If there is more than one plaintiff, use the margin for extra space if you need it. List the address only if it is different from the address listed above).
- C. DEFENDANT (name) JBS Green Bay, Inc., c/o TALX UCM Services  
\_\_\_\_\_
- D. Defendants address P.O. Box 283, St. Louis, MO 63166-0283  
\_\_\_\_\_
- E. Additional DEFENDANTS (names and addresses)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## III. STATEMENT OF CLAIM (follow instructions carefully)

State briefly as possible the *essential facts* of your case. Tell what each defendant did to you that caused you to file this suit against them. If you are complaining about more than one wrong, use a separate **numbered** paragraph for each wrong, and describe each wrong in that paragraph and only that paragraph. State only the facts. *Do not give any legal theories or arguments, do not cite any cases or statutes. Do not feel you have to use all the space. USE NO MORE THAN THE SPACE PROVIDED. THE COURT STRONGLY DISAPPROVES OF STATING CLAIMS OUTSIDE THE SPACE PROVIDED.*

Begin statement of claim:

1. I was hired at JBS Green Bay on December 28, 2009. Shortly, after I began working, I noticed the entire workplace consisted of a predominately Hispanic and White population of which whom held all of the supervisory and managerial positions. And of the minority (Black employees), not a one held any lead position.

2. On or about October 06, 2012, I sustained a serious work injury to my dominant right shoulder. And exercised my rights under Workman's Compensation.

3. On or about March 07, 2013, I underwent surgery to correct aforementioned injury.

4. After completion of surgery, I returned to work on light duty, due to ongoing continued medical treatment.

5. On or about May 06, 2013, I complained to HR complaint examiner, Kathy Mahn of being harassed as to my medical condition by coworker Brian Hansen whom is White, after failed attempts to resolve the matter with Supervisor Brandon Schutte, of whom is also White.

6. As it seemed, no results came about of prior complaint, on or about May 20, 2013 I again complained to Kathy Mahn about continued harassment by Brian Hansen. And yet still, it continued.

7. On or about July 12, 2013, while performing work

**STATEMENT OF CLAIM-Continued**

details I continuously asked another coworker to not spray me with water. The employee I am referring is Hispanic, Guadalupe Hildago, whom also works in the same area as myself and Brian Hansen. And who also witnessed and often participated in the harassment by Mr. Hansen. Most of this day I worked with my back to Guadalupe Hildago, yet he had no reason to spray water in my direction. At the rate of speed a pressure hose shoot water, there is a pretty good sting from it. Nevertheless, I eventually confronted Hildago about the water harassment. And some exchange of words lead to my sticking out my arm to thrust his shoulder and he in return grabbing my arm. And we kinda tugged for arms back. Supervisor Brandon Schutte sees the end of aforesaid and sent us both to HR. At which time Kathy Mahn took statements and suspended us both pending investigation.

8. On or about July 17, 2013 I received a phone call from Kathy Mahn informing me I was being terminated.
9. Prior to resolution of incident involving myself, on or about April 06, 2013 I witnessed two White employees, Roger Adrians and Dave Brown involved in a violent incident. Both of whom work in the same area as myself. Dave Brown allegedly sprayed Roger

**STATEMENT OF CLAIM-Continued**

Adrians with a water hose. And Adrians in return struck Brown about the head with product. Ultimately leading to Brown having surgery. Mr. Adrians received a two day suspension from HR Complaint Examiner Kathy Mahn whom is White.

10. On or about September 20, 2013, while attending an unemployment hearing I was informed Guadalupe Hildago still remains employed at the company.

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#### IV. RELIEF YOU REQUEST

State exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. DO NOT USE THIS SPACE TO STATE THE FACTS OF YOUR CLAIM. USE IT ONLY TO REQUEST REMEDIES FOR THE INJURIES YOU COMPLAIN ABOUT. Use only the space provided. The court strongly disapproves of requesting remedies outside the space provided.

- A. For all compensatory and punitive damages with respect to the tort, statutory and contract claims in an amount being just.
- B. For reasonable costs including legal fees;
- C. For all equitable and legal relief to which Mr. Summerville appears entitled.
- D. For a positive letter of recommendation; and
- E. For cost of 1year attendance of anger management.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 20<sup>TH</sup> day of March, 2014.

Broderick M. Summerville Jr.

(Signature of Plaintiff(s))